

NEW PARAGRAPHS 2.22D AND E OF THE
GUIDELINES FOR THE ADMINISTRATION OF THE CRIMINAL JUSTICE ACT
AND RELATED STATUTES, VOLUME 7,
GUIDE TO JUDICIARY POLICIES AND PROCEDURES

APPROVED BY THE JUDICIAL CONFERENCE AT ITS MARCH 14, 2006 SESSION

[New language is in bold italics; deleted language is indicated by strikeout.]

CHAPTER II. APPOINTMENT AND PAYMENT OF COUNSEL

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2.22 Limitations.

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D. Impact of an Appropriation Shortfall on Voucher Review. Vouchers should not be delayed or reduced for the purpose of diminishing Defender Services program costs in response to adverse financial circumstances.

*~~DE.~~ Reduction of CJA Compensation Vouchers by the Reviewing Judicial Officer Judge. The Criminal Justice Act provides that the reviewing judicial officer judge shall fix the compensation and reimbursement to be paid to appointed counsel. In cases where the amount approved is less than was requested by appointed counsel, the judicial officer may wish to notify appointed counsel that his or her claim for compensation and/or reimbursement has been reduced, and to provide an explanation of the reasons for the reduction: *If the court determines that a claim should be reduced, appointed counsel should be provided (a) prior notice of the proposed reduction with a brief statement of the reason(s) for it, and (b) an opportunity to address the matter. However, notice need not be given to appointed counsel where the reduction is based on mathematical or technical errors.**

Nothing contained in this guideline should be construed as requiring a hearing or as discouraging the court from communicating informally with counsel about questions or concerns in person, telephonically, or electronically, as deemed appropriate or necessary.

[Pre-existing paragraphs 2.22D through F redesignated as 2.22E through G]